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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/681,231	10/09/2003	Won-Hic Choi	P3050/CNL	6493

7590 10/19/2004

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EXAMINER

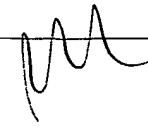
KHAIRA, NAVNEET K

ART UNIT	PAPER NUMBER
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3754

DATE MAILED: 10/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/681,231	<b>Applicant(s)</b> CHOI ET AL. 	
	<b>Examiner</b> Navneet Sonia Khaira	<b>Art Unit</b> 3754	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### *Claim Objections*

1. Claim 6 recites the limitation "transparent" in claim 6, line 2. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-6 rejected under 35 U.S.C. 103(a) as being unpatentable over White (US 5,988,415) in view of Leipold (US 5,819,994).

Regarding claim 1, the White reference discloses a non-spill water bottle cap comprising of a cylindrical plastic tube with a plurality of holes (Figure 2, col.3 lines 22-24), a spherical float inside a plastic tube (42), a plastic cap head formed with a cylindrical plastic tube (), an edge frame disposed at the end of the cylindrical plastic tube forms an annular flange (32) for retaining a spherical float (42) inside the cylinder. White does not teach the use of a plurality of peepholes within the annular flange.

However, attention is directed to the Leipold reference which discloses a similar annular flange (Figure 14) with a plurality of peepholes (40) located at the mouth of a plastic cap head (20) for allowing the passage of air and water flow (Figure 14, abstract lines 10-14).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the annular flange of White with a plurality of peepholes located at the mouth of a plastic cap (20) head as taught by Leipold for allowing the passage of air and water flow.

Regarding claim 2, Leipold further discloses the peepholes (40) as being in an annular configuration (Figure 14). It would have been obvious to configure the flange (30) of White to be oriented obliquely inward in order to provide a better seating surface.

Regarding claim 3, White further discloses an annular sealing ridge (Figure 2, 30) increasing in thickness as it gets closer to the lip (Figure 2) which would momentarily block the water flow path by contacting a spherical float when the water bottle is inverted to be placed on the water dispenser (Col.2 lines 6-8).

Regarding claim 4, although White does not specifically disclose the claimed relationships between the annular sealing ridge (30), the float, and the mouth of the cap head, they appear to be met as shown in Figure 4.

Regarding claim 5, note that the annular sealing ridge (30) and the tip of the annular flange (Figure 4) of White would both simultaneously contact the spherical float (42) by water pressure for momentarily blocking the water flow path of the water bottle (White col. 2, lines 1-8).

Regarding claim 6, White discloses in Figure 2 that a cylindrical plastic tube (Figure 2) could approximately be one-fifth larger than that of the spherical float (42) for flow of air and water (White col. 2, lines 1-6). It would have been obvious to make the

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cylindrical tube of White of transparent plastic material in order to permit visual observation of the spherical float.

### **Conclusion**

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Navneet Sonia Khaira whose telephone number is 703-305-0860. The examiner can normally be reached on 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mar Y. Michael can be reached on 703-308-2087. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Navneet Sonia Khaira  
Examiner  
Art Unit 3754

NK  
10/18/04

  
MICHAEL MAR  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700